

JOURNAL OF THE HOUSE

EIGHTY-NINTH SESSION

SIXTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, January 22, 2014

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Brad Urbach, followed by the Pledge of Allegiance led by House page Tiara Tingle.

Roll Call: All members present except Rep. Magstadt who was excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the fifth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

HONORED GUESTS

Speaker Gosch introduced the Honorable Kristi Noem, United States Representative from South Dakota, who spoke briefly.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1035 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1013 and returns the same with the recommendation that said bill be amended as follows:

1013oa

On page 1, between lines 11 and 12 of the printed bill, insert:

" Section 2. It is in the public interest that the South Dakota Building Authority contract for the construction of a visitor center at Custer State Park, including engineering and bonding services, site preparation, and construction of improvements. The Building Authority may finance this project, including the issuance of revenue bonds not to exceed one million dollars (\$1,000,000), in accordance with this Act and chapter 5-12."

On page 2, line 2, delete "section 1" and insert "sections 1 and 2".

On page 2, line 2, delete "the section" and insert "these sections".

On page 2, between lines 7 and 8, insert:

" Section 5. The Department of Game, Fish and Parks may make and enter into a lease agreement with the Building Authority and make rental payments under the terms of the agreement for the purposes of this Act, pursuant to chapter 5-12, from fund appropriations or from gifts, contributions, or other sources."

1 1013ota

2 On page 1 of the printed bill, delete line 2, and insert "the construction of improvements
3 in the state park system".

4 On page 1, line 3, delete "Park at Blood Run".

5 And that as so amended said bill do pass.

6 Respectfully submitted,
7 David Lust, Chair

8 Also MR. SPEAKER:

9 The Committee on Judiciary respectfully reports that it has had under consideration
10 HB 1021 and returns the same with the recommendation that said bill do pass.

11 Also MR. SPEAKER:

12 The Committee on Judiciary respectfully reports that it has had under consideration
13 HB 1023 which was tabled.

14 Respectfully submitted,
15 Brian G. Gosch, Chair

16 Also MR. SPEAKER:

17 The Committee on Commerce and Energy respectfully reports that it has had under
18 consideration HB 1045 and 1046 and returns the same with the recommendation that said bills
19 do pass.

20 Also MR. SPEAKER:

21 The Committee on Commerce and Energy respectfully reports that it has had under
22 consideration HB 1044 and returns the same with the recommendation that said bill do pass and
23 be placed on the consent calendar.

24 Respectfully submitted,
25 Roger D. Solum, Chair

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to return herewith HCR 1001 in which the Senate has concurred.

Also MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has failed to concur in HCR 1002.

Respectfully,
Jeannette Schipper, Secretary

MOTIONS AND RESOLUTIONS

HCR 1003: A CONCURRENT RESOLUTION, Recognizing the outstanding public service of President Calvin Coolidge and his support of Mount Rushmore.

Rep. Bolin moved that HCR 1003 as found on page 57 of the House Journal be adopted.

The question being on Rep. Bolin's motion that HCR 1003 be adopted.

And the roll being called:

Yeas 69, Nays 0, Excused 1, Absent 0

Yeas:

Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

Excused:

Magstadt

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and HCR 1003 was adopted.

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1 Was read the first time and referred to the Committee on Judiciary.

2 HB 1078 Introduced by: Representatives Tyler, Hawks, Parsley, Rasmussen, Ring,
3 Schoenfish, Soli, and Verchio and Senators Lucas and Jones (Tom)

4 FOR AN ACT ENTITLED, An Act to revise the eligibility requirements for the South
5 Dakota opportunity scholarship to include certain students who reside in bordering states.

6 Was read the first time and referred to the Committee on State Affairs.

7 HB 1079 Introduced by: Representatives Tyler, Ecklund, Hawks, Heinert, Magstadt, Olson
8 (Betty), Parsley, Rasmussen, Schoenfish, Soli, and Verchio and Senators Welke, Jones (Tom),
9 and Lucas

10 FOR AN ACT ENTITLED, An Act to authorize certain lighting on vehicles operated by
11 ambulance service personnel.

12 Was read the first time and referred to the Committee on Transportation.

13 HB 1080 Introduced by: Representatives Parsley, Bartling, Craig, Gibson, Hawks, Hawley,
14 Heinemann (Leslie), Heinert, Kirschman, Olson (Betty), Peterson, Schoenfish, Schrempp, Soli,
15 Tyler, and Wismer and Senators Jones (Chuck), Begalka, Frerichs, Jones (Tom), Kirkeby,
16 Lucas, Maher, Otten (Ernie), Tieszen, and Van Gerpen

17 FOR AN ACT ENTITLED, An Act to clarify that emergency personnel driving records are
18 not to include motor vehicle accidents resulting while engaged in the performance of their
19 official duties.

20 Was read the first time and referred to the Committee on Commerce and Energy.

21 HB 1081 Introduced by: Representatives Qualm, Cammack, Cronin, Duvall, Hawley,
22 Hoffman, Kirschman, Mickelson, Munsterman, Olson (Betty), Rounds, Schoenfish, Schrempp,
23 and Stalzer and Senators Tidemann, Bradford, Krebs, Maher, Omdahl, Rave, Tieszen, Van
24 Gerpen, and White

25 FOR AN ACT ENTITLED, An Act to revise the computation of the promotional fee on
26 wheat.

27 Was read the first time and referred to the Committee on Agriculture and Natural
28 Resources.

1 HB 1082 Introduced by: The Committee on Judiciary at the request of the Chief Justice

2 FOR AN ACT ENTITLED, An Act to revise the conditions causing the suspension of a
3 probationer's probationary period.

4 Was read the first time and referred to the Committee on Judiciary.

5 **SECOND READING OF CONSENT CALENDAR ITEMS**

6 HB 1050: FOR AN ACT ENTITLED, An Act to revise certain enforcement actions by the
7 insurance director.

8 Was read the second time.

9 The question being "Shall HB 1050 pass?"

10 And the roll being called:

11 Yeas 69, Nays 0, Excused 1, Absent 0

12 Yeas:

13 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
14 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
15 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
16 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; May; Mickelson;
17 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
18 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
19 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
20 Wick; Wink; Wismer; Speaker Gosch

21 Excused:

22 Magstadt

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 Speaker declared the bill passed and the title was agreed to.

25 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

26 HB 1051: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
27 regulation of captive insurance companies.

28 Was read the second time.

1051jb

Rep. Johns moved that HB 1051 be amended as follows:

On page 1, line 7, of the printed bill, overstrike "its president and secretary" and insert "an officer, manager, trustee, or other appropriately authorized representative, satisfactory to the director".

Which motion prevailed.

The question being "Shall HB 1051 pass as amended?"

And the roll being called:

Yeas 69, Nays 0, Excused 1, Absent 0

Yeas:

Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

Excused:

Magstadt

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

HB 1024: FOR AN ACT ENTITLED, An Act to place certain substances on the controlled substances schedule and to declare an emergency.

Was read the second time.

The question being "Shall HB 1024 pass?"

And the roll being called:

Yeas 67, Nays 2, Excused 1, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
4 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
5 (Bernie); Johns; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Mickelson; Munsterman;
6 Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm;
7 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly;
8 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink;
9 Wismer; Speaker Gosch

10 Nays:

11 Kaiser; May

12 Excused:

13 Magstadt

14 So the bill having received an affirmative vote of a two-thirds majority of the members-
15 elect, the Speaker declared the bill passed and the title was agreed to.

16 Rep. Lust moved that HB 1036 be placed to follow HB 1037 on today's calendar.

17 Which motion prevailed.

18 HB 1037: FOR AN ACT ENTITLED, An Act to authorize the Transportation Commission
19 to establish limited speed zones on nonstate trunk highways under the jurisdiction of the
20 Department of Transportation.

21 Was read the second time.

22 The question being "Shall HB 1037 pass?"

23 And the roll being called:

24 Yeas 63, Nays 6, Excused 1, Absent 0

25 Yeas:

26 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
27 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
28 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
29 (Bernie); Johns; Killer; Kirschman; Kopp; Langer; Lust; Mickelson; Munsterman; Novstrup
30 (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
31 Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer;
32 Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

33 Nays:

34 Kaiser; Latterell; May; Nelson; Russell; Steele

1 Excused:
2 Magstadt

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the bill passed and the title was agreed to.

5 Rep. Lust moved that HB 1036 be deferred to Thursday, January 23, the 7th legislative day.

6 Which motion prevailed.

7 Rep. Steele moved that the House do now adjourn, which motion prevailed and at
8 2:47 p.m. the House adjourned.

9 Arlene Kvislen, Chief Clerk